SERVED: July 14, 2004

NTSB Order No. EA-5103

## UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 14th day of July, 2004

MARION C. BLAKEY, Administrator,

Federal Aviation Administration,

Complainant,

v.

DAVID JOSEPH DONNELLY,

Respondent.

Docket SE-16222

## ORDER DENYING STAY

Respondent has requested a stay of NTSB Order No. EA-5101, served June 24, 2004, pending disposition of a petition for review of that order to be filed in the U.S. Court of Appeals. The Administrator opposes the request. The request is denied.

The Board has consistently followed a policy of denying stays in cases in which revocation has been upheld. See Administrator v. Babb, NTSB Order No. EA-4737 (1999). No reason appears in this case for departing from that policy.  $^2$ 

## ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for stay is denied.

Ronald S. Battocchi General Counsel

 $<sup>^{1}</sup>$ In EA-5101, the Board denied both respondent's and the Administrator's petitions for reconsideration of NTSB Order No. EA-5011, served January 2, 2003.

<sup>&</sup>lt;sup>2</sup>Contrary to the arguments of respondent's counsel, the Administrator's charges did receive adjudicatory corroboration, within the meaning of <u>Administrator v. Coombs</u>, NTSB Order No. EA-3609 (1992), for the law judge's decision upholding revocation became the decision of the agency by operation of law, <u>see</u> Rule 43, 49 C.F.R. § 821.43, as Order No. EA-5101 explicitly states.